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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,320	11/30/2000	Alan Edward Kaplan	Kaplan 316	2292
7590	05/18/2004		EXAMINER	
Henry T. Brendzel P.O. Box 574 Springfield, NJ 07081			PHAN, MAN U	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/727,320

Applicant(s)

KAPLAN, ALAN EDWARD

Examiner

Man Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The application of Kaplan for a "method for distributing calls to a group of end points" filed 11/30/2000 has been examined. Claims 1-20 are pending in the application.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The (Step 34) and (Step 36) as described in page 6, lines 1 and 26 for Fig. 1.

Reference characters (202) as described in page 9, line 4 for Fig. 1.

3. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

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was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 11, 12, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grewal et al. (US#4,689,815) in view of Muir et al. (US#6,661,882).

With respect to claims 1-8, 11, 12 and 14-20, both Grewal et al. (US#4,689,815) and Muir et al. (US#6,661,882) disclose a novel method and system for distributing incoming calls to end point terminals, according to the essential features of the claims. Grewal discloses a distributed control switching system where multi-port hunt groups are controlled in an efficient manner by hunting for idle group members in a sequential fashion starting with the members on one of the modules and continuing through a predetermined sequence of modules until an idle group member is found. The busy/idle hunt data is advantageously distributed across the modules so that each module maintains the hunt data for only the group members on that module. The call processing system includes a number of control units each associated with a subset of the ports. Each control unit stores hunt data defining the busy/idle status of any ports of the hunt group associated with that control unit. A call to the hunt group is processed in accordance with the exemplary method as follows. A first control unit accesses its hunt data in response to the call to determine whether any port of the hunt group is defined as idle. If the first control unit does not find an idle port, it transmits a message defining the call to a second control unit. The second control unit accesses its hunt data in response to the message to determine whether any port of the hunt group is defined as idle. If the second control unit does find an idle port, it assigns the idle port to receive the call and updates its hunt data to define the port as busy.

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When the status of the port subsequently changes from busy to idle at call completion, the second control unit detects the status change and updates its hunt data to again define the port as idle (See Fig. 1; Col. 2, line 21 to Col. 6, line 30 and Col. 42, lines 26 plus).

In the same field of endeavor, Muir et al.(US#6,661,882) provides a system and method for automated routing of telephone messages utilizing manipulated automatic number identification (ANI). The system and method of and embodiment of the present invention provides each call that comes into the integrated voice response (IVR) system with a session identification (ID) that is held onto by the host. In order to get the session ID to a call center and then back up to the host so that it can be matched, the system and method of the present invention utilizes the ANI field. Formerly, the ANI was delivered to any one of a number of automated call directors (ACD's), for example, a PBX or telephone switch. According to an embodiment of the present invention, the telephone switch passes what it thinks is the ANI field up to the host, but the host knows in fact that it is not an ANI. Rather, inside those ten digits is a five digit field that tells the system where to go in its temporary storage to get the information about the original call in the IVR in order to pop to the agent's screen. Thus, the ANI becomes a dynamic field that is used to pass information about the caller to the host, as opposed to really knowing the original ANI, about which the system no longer cares (Col. 2, lines 46 plus). Muir further teaches the Network Intelligent Call Router (NICR) which provides call by call routing based on customer defined business rules to determine the site and split to service the call (*state information*). NICR uses the ACD agent state information and a portion of the ANI to determine where to route the call. The NICR uses the ANI field to determine which DNIS will be used at each site to route the call type to the appropriate split/skill. Rules are used to write the NICR

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scripts. These rules will identify which site to route calls to and the agent split by marketplace. The ACD routes the call to the appropriate agent split-based on the DNIS/VDN of the incoming call. The ACD provides the CTI Server with the 'Placeholder' tag necessary to coordinate the customer call with the host message. The ANI (along with other information) is sent to the CTI server when the call arrives. When the call is transferred to an agent the extension information is provide to the CTI server. The Agent extension, manipulated ANI and DNIS are sent by the ACD to the Client Server. The ACD uses the DNIS to determine the split the call will be routed to based on caller language, marketplace and script location where referral request occurred. The ACD routes the call to the appropriate agent and notifies the CTI Server of their extension (Col. 30, lines 1 plus and Col. 32, lines 13 plus).

One skilled in the art would have recognized the need for effectively and efficiently selecting terminals with which telecommunication connections are established, and would have applied Muir's teaching of the state information contained in the ANI field to determine where to route the call into Grewal's novel use of the control switching system where multi port hunt groups are controlled by hunting for for idle group members in a sequential fashion. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Miur's system and method for automated telephone message routing using an altered ANI into Grewal's controlling multi-port hunt groups in a distributed control switching systemt with the motivation being to provide a method and system for identifying an end point terminal with a service group.

***Allowable Subject Matter***

6. Claims 9, 10 and 13 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

7. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein each of the end point terminals, in determining whether its ID is within range of end point terminal IDs by comparing its ID to the x and y values, subtracts from/adds to its ID a value related to a constant supplied in the message, where the subtraction/addition is performed in modulus arithmetic, as specifically recited in claims 9, 10; wherein the unique ID's of end point terminals are members of a set that includes numbers A through A+N, where A is a preselected integer, and N is the number of end point terminal in the service group, as specifically recited in claim 13.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Taylor et al. (US#5,787,163) is cited to show the intelligent load balancing of special service calls based on availability of terminations..

The Honda et al. (US#5,592,542) is cited to show the call distribution control method and call distribution control system.

The Chaney et al. (US#5,787,160) is cited to show the intelligent routing of special service calls.

The Chang et al. (US#6,091,811) is cited to show the ringing technique in automatic call distribution.

The Lee (US#5,537,470) is cited to show the method and apparatus for handling in-bound telemarketing calls.

The Bogart et al. (US#6,173,053) is cited to show the optimizing call-center performance by using predictive data to distribute calls among agents.

The Evslin et al. (US#6,404,864) is cited to show the article comprising a distributed call monitoring, evaluation and routing system and method therefor.

The Gottlieb (US#5,920,621) is cited to show the system and method for distributing calls to customer service operators based on automatic determination of operator availability.

The Krimstock et al. (US#6,735,299) is cited to show the automatic call distribution groups in call center management systems.

The Takihiro et al. (US#6,014,382) is cited to show the ATM switching system including a switching control portion for distributing call set-up requirement signals.

The Berrondo et al. (US#6,711,255) is cited to show the predictive distribution of calls between inquiry centers.



10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029.

The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**11. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

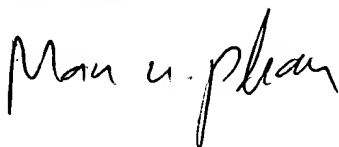
**or faxed to:** (703) 305-9051, (for formal communications intended for entry)

**Or:** (703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

Mphan

05/14/2004.



**MAN PHAN**  
**PATENT EXAMINER**